

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HRT ENTERPRISES,

Plaintiff,

v.

Case No. 08-14460

CITY OF DETROIT,

HONORABLE AVERN COHN

Defendant.

_____ /

ORDER

This purports to be an inverse condemnation case. On November 10, 2008, defendant filed a motion styled "Defendant City of Detroit's Motion to Dismiss under Fed. R. Civ. P. 12(b)(6)," stating

Defendant, City of Detroit ("Defendant") brings this Motion to Dismiss Under Fed. R. Civ. P. 12(b)(6) based upon the facts and arguments set forth in the attached Brief in Support of Motion to Dismiss Under Fed. R. Civ. P. 12(b)(6).

Rule 12(d) provides:

If, on a motion under Rule 12(b)(6) or 12(c), matters outside the pleadings are presented to . . . the court, the motion must be treated as one for summary judgment under Rule 56. All parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.

Fed. R. Civ. P. 12(d). Clearly, defendant's motion is one for summary judgment. The Court has specific requirements for a motion for summary judgment, available on-line at http://www.mied.uscourts.gov/Judges/guidelines/topic.cfm?topic_id=89. See paragraph C. A copy of the requirements is attached to this order as Exhibit A.

Accordingly, defendant shall within 20 days file a statement of material facts not in dispute. Plaintiff shall have 20 days in which to file a response and, if applicable, a counter-statement of disputed facts.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: January 22, 2009

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, January 22, 2009, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160